



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, Wireline Competition Bureau

FROM: *DMA*
Daniel M. Armstrong
Associate General Counsel

SUBJECT: *National Cable & Telecommunications Association v. FCC & USA*, No. 07-1356.
Filing of a Petition for Review in the United States Court of Appeals for the
District of Columbia Circuit.

DATE: September 21, 2007

This is to advise you that, on September 7, 2007, the National Cable & Telecommunications Association ("NCTA") filed a Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuit pursuant to 47 U.S.C. 402(a), of the following order: *In the Matter of Telecommunications Services Inside Wiring; Customer Premises Equipment* (CS Docket No. 95-184), *Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Cable Home Wiring* (MM Docket No. 92-260), and *Clarification of the Commission's Rules and Policies Regarding Unbundled Access to Incumbent Local Exchange Carriers' Inside Wire Subloop* (WC Docket No. 01-338), Report and Order and Declaratory Ruling, 22 FCC Rcd 10640 (2007).

NCTA seeks review of that portion of the above-referenced order in which the Commission found that wiring located behind sheet rock in apartment buildings and other multiple dwelling units is considered "physically inaccessible" for the purposes of determining the "demarcation point" between home wiring and home run wiring under the FCC's cable inside wiring rules.

The Court has docketed this case as No. 07-1356. The attorney assigned to handle the litigation of this case is Pamela L. Smith.